

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CRAIG CUNNINGHAM,

Plaintiff,

v.

ORDER

MICHAEL MONTES JR. and
TOLLFREEZONE.COM, INC.

16-cv-761-jdp

Defendants.

Plaintiff Craig Cunningham moves for an order (1) freezing defendants' Wells Fargo bank accounts and (2) requiring the payment of funds sufficient to cover the amount of the judgment into this court's registry pending any appeal. Dkt. 210. Defendants did not respond to Cunningham's motion by the February 28, 2020 deadline. Given defendants' failure to respond and Montes's history of resisting the collection of judgments, the court will grant Cunningham's motion in part. The court will order that defendants' Wells Fargo accounts be frozen until Cunningham has collected the damages awarded. Defendants may move to release funds upon a showing of necessity. The court will deny Cunningham's request for an order requiring the payment of funds sufficient to cover the judgment into this court's registry pending appeal as premature because defendants have not yet filed any appeal. If and when defendants file a notice of appeal, Cunningham may renew this request.

ORDER

IT IS ORDERED that:

1. Plaintiff Craig Cunningham's motion to freeze defendants' bank accounts and to order that funds sufficient to cover the amount of the judgment be paid into this

court's registry pending appeal, Dkt. 210, is GRANTED in part and DENIED as premature in part.

2. All Wells Fargo bank accounts in the name of defendants Michael Montes, Jr. and Tollfreezone.com, Inc. are frozen. Defendants are restrained and enjoined from withdrawing or transferring funds in these accounts until further order of the court.
3. Counsel for defendant Michael Montes must, within 24 hours after this order issues, provide a copy of this order to Wells Fargo. Within 72 hours, counsel must confirm to the court that a copy of this order has been provided to Wells Fargo.
4. Cunningham's request for an order requiring defendants to pay funds sufficient to cover the amount of the judgment into this court's registry pending appeal is DENIED as premature.

Entered March 9, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge